
COMMONWEALTH OF VIRGINIA



Office of the Governor

Executive Order 33

DECLARATION OF A STATE OF EMERGENCY DUE TO EXTREME DROUGHT CONDITIONS THROUGHOUT THE COMMONWEALTH

The health and general welfare of the citizens of the Commonwealth require that state action be taken to help prepare for and alleviate the drought-related conditions that currently exist throughout the Commonwealth. I find that the potential effects of this drought constitute a natural disaster wherein human life, public and private property, and the environment are imperiled, as described in §44-75.1.A.4 of the *Code of Virginia*.

Therefore, by virtue of the authority vested in me by §44-146.17 of the *Code of Virginia*, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by §44-75.1 of the *Code of Virginia*, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby proclaim that a state of emergency exists throughout the Commonwealth and direct that appropriate assistance be rendered by agencies of both state and local governments to prevent and alleviate any conditions resulting from drought, forest fires or extreme heat, and to implement prevention, response, and recovery operations and activities so as to alleviate impacted areas from the effects of these conditions insofar as possible.

In accordance with my authority contained in §44-146.17 of the Emergency Services and Disaster Laws, I hereby:

- A. Appoint the Honorable David K. Paylor, Deputy Secretary of Natural Resources, as drought coordinator for the executive branch. All executive branch agencies and institutions shall cooperate fully with the drought coordinator and shall provide any requested assistance or information to the drought coordinator.
- B. Order all executive branch agencies and institutions to refrain from any nonessential water use, including but not limited to watering lawns, washing vehicles, and other unnecessary water use. Each cabinet secretary shall be responsible for ensuring that agencies and institutions within their secretariat reduce water usage by at least 15 percent.
- C. Prohibit any person or household who utilizes surface waters or ground water in localities located in the Shenandoah, James, Rappahannock, Chowan, York and Roanoke River basins from watering lawns, washing vehicles, filling swimming pools, and irrigating golf courses with the following exceptions: commercial car washes, pools used by health care facilities for patient care and rehabilitation, and watering of golf course tees and greens between the hours of 8:00 p.m. and 8:00 a.m. In order to enforce these restrictions, local governments may establish, collect, and retain fines for violations of these restrictions. The drought coordinator may grant exceptions to these restrictions for good cause after consultation with appropriate state agencies. For purposes of this executive order, the Shenandoah, James, Rappahannock, Chowan, York and Roanoke River basins shall be defined to include the cities of Bedford, Buena Vista, Charlottesville, Chesapeake, Colonial Heights, Covington, Danville, Emporia, Franklin, Fredericksburg, Hampton, Harrisonburg, Hopewell, Lynchburg, Lexington, Martinsville, Newport News, Norfolk, Petersburg, Poquoson, Portsmouth, Radford, Richmond, Roanoke, Salem, Staunton, Suffolk, Virginia Beach, Waynesboro, Williamsburg, and Winchester and the counties of Albemarle, Alleghany, Amelia, Amherst, Appomattox, Augusta, Bath, Bedford, Botetourt, Brunswick, Buckingham, Campbell, Caroline, Charles City, Charlotte, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Dinwiddie, Essex, Fauquier, Fluvanna, Franklin, Frederick, Gloucester, Goochland, Greene, Greenville, Halifax, Hanover, Henrico, Henry, Highland, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Louisa, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Montgomery, Nelson, New Kent, Northumberland, Nottoway, Orange, Page, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Rappahannock, Richmond, Roanoke, Rockbridge, Rockingham, Shenandoah, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Westmoreland, and York. I hereby delegate to the drought coordinator authority to modify this list of localities as necessary.
- D. Direct the Superintendent of Public Instruction to work with local school divisions to encourage water conservation and educate school children about the importance

of water conservation. The Department of Environmental Quality shall make appropriate materials available for use by educators on its web site.

- E. Authorize the Director of the Department of Environmental Quality to allocate ground water and surface water resources and to restrict any withdrawals based upon the adequacy of the resource to meet the necessary beneficial uses as set forth in §62.1-44.36 of the *Code of Virginia*. Such allocations may apply to any withdrawer and shall over-ride any existing authorizations to use or withdraw surface water or ground water.
- F. Urge all citizens of the Commonwealth and visitors to the Commonwealth to refrain from any open burning in the forests, parks, natural areas, and other wildfire susceptible areas of the Commonwealth, in order to minimize the risk of wild fires.
- G. Delegate to the State Forester authority to declare an open burning ban in wild fire susceptible areas of the Commonwealth.
- H. Direct the State Forester to initiate crew and helicopter training of the Virginia National Guard for fighting wildfires.
- I. Authorize the Departments of State Police, Transportation and Motor Vehicles to grant temporary overweight/overwidth/registration/license exemptions to carriers transporting essential emergency relief supplies into and through the Commonwealth in order to support the disaster response and recovery.

The axle and gross weights shown below are the maximum allowed, unless otherwise posted.

Any One Axle	24,000 Pounds
Tandem Axles (more than 40 inches but not more than 96 inches spacing between axle centers)	44,000 Pounds
Single Unit (2 Axles)	44,000 Pounds
Single Unit (3 Axles)	54,500 Pounds
Tractor-Semitrailer (4 Axles)	64,500 Pounds
Tractor-Semitrailer (5 or more Axles)	90,000 Pounds
Tractor-Twin Trailers (5 or more Axles)	90,000 Pounds
Other Combinations (5 or more Axles)	90,000 Pounds
Per Inch of Tire Width in Contact with Road Surface	850 Pounds

In addition to described overweight transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes the vehicles enroute and returning to their home base. The above cited agencies

shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

This authorization shall apply to hours worked by any carrier when transporting passengers, property, equipment, food, fuel, construction materials and other critical supplies to or from any portion of the Commonwealth for purpose of providing relief or assistance as a result of this disaster, pursuant to §52-8.4 of the *Code of Virginia*.

The foregoing overweight transportation privileges and the regulatory exemption provided by §52.8.4.A of the *Code of Virginia*, and implemented in 19 VAC 30-20-40.B of the "Motor Carrier Safety Regulations," shall remain in effect for sixty (60) days from the onset of the disaster declaration, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation, whichever is earlier.

- J. Delegate to the Secretary of Public Safety, after consultation with other affected Secretaries, authority to order the lifting of provisions authorized in paragraph I via publication of administrative notice to all affected and interested parties.
- K. Order full implementation by agencies of the state and local governments of Volume I, Virginia Emergency Operations Plan (COVEOP) Basic Plan, July 1997 as amended, along with other appropriate state agency plans.
- L. Direct appropriate activation of the Virginia Emergency Operations Center (VEOC) and State Emergency Response Team (SERT). Furthermore, I am directing that the VEOC and SERT coordinate state operations in support of affected localities and the Commonwealth, to include issuing mission assignments to agencies designated in the COVEOP and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property and implementation of recovery activities.
- M. Direct the implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures pertaining to performance of public work, entering into contracts, incurring of obligations, or other logistical and support measures of the Emergency Services and Disaster Laws, as provided in §44-146.28 (b) of the *Code of Virginia*. Section 44-146.24 of the *Code of Virginia* also applies to the disaster activities of state agencies.

Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined

herein and in §44-146.28 of the *Code of Virginia*, may be paid out of the sum sufficient appropriation for Disaster Planning and Operations contained in Item 47 of Chapter 899, 2002 Virginia Acts of Assembly.

This Executive Order shall be effective August 30, 2002, and shall remain in full force and effect until June 30, 2003, unless sooner amended or rescinded by further executive order. This Executive Order supercedes and rescinds Executive Order 31, issued on July 31, 2002.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 30th day of August 2002.

Mark R. Warner, Governor

Attest:

Secretary of the Commonwealth